

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FREDERICK C. REED,
Plaintiff,

06-CV-0075E(M)

-vs-

COMMISSIONER OF SOCIAL SECURITY,
Defendant.¹

ORDER

The Honorable Jeremiah J. McCarthy, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on May 15, 2007 filed his Report and Recommendation concerning such, and no objection thereto having been made, and the substance and rationale of said Report and Recommendation having been considered by this Court, it is hereby

ORDERED that said Report and Recommendation is fully confirmed, the defendant's motion for judgment on the pleadings is denied and plaintiff's motion for judgment on the pleadings is granted to the extent that this matter is remanded to the Commissioner for further proceedings.

DATED: Buffalo, N.Y.
May 31, 2007

/s/ John T. Elfvin

JOHN T. ELFVIN
S.U.S.D.J.

¹For convenience defendant will be identified by the official title only. See F.R.Cv.P. 25(d); 42 U.S.C. §405(g) (action survives despite change in office of Commissioner).